

RECEIVED

JUL 17 2002



TECH CENTER 1600/2900

Application No.: 09/458299

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: SPP ENCLOSED note

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy Gene G. Durkin
Michael B. Ray
Robert E. Sokolil
Eric K. Steffe
Michael D. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alkon
Robert C. Mullong
Lawrence B. Bugansky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patricia E. Garrett
Jeffrey T. Hever
Heidi L. Kraus
Crystal D. Sayles
Edward W. Yee
Albert L. Ferro
Donald R. Banowit
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Randolph P. Patterson
Vincent L. Capuano
Albert J. Fasullo II
W. Russell Swendell

Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaton
Reginald D. Lucas
Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Dhuker
Rae Lynn Pengaman
Jane Shershenovich
Lawrence J. Carroll
George S. Barthmeyer

Registered Patent Agents*
Karen R. Markowicz
Andrea J. Kamaye
Nancy J. Leeb
Joseph M. Conrad III
Ann E. Summerfield
Heleen C. Carlson
Gabby L. Longworth
Matthew J. Dowd
Aaron L. Schwartz
Angelique G. Uy
Boris A. Matvenko
Mary B. Tung
Kathrina T. Pei
Bryan L. Skatton
Jason D. Eisenberg
John J. Figueroa

Senior Counsel
Samuel L. Fox
Kenneth C. Bass III
Paul A. Dunner

*Admitted only in Maryland
*Admitted only in Virginia
*Admitted only in Texas
*Practice limited to
Federal Agencies

July 12, 2002

RECEIVED

JUL 17 2002

WRITER'S DIRECT NUMBER:
(202) 371-2641
INTERNET ADDRESS:
HCARLSON@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

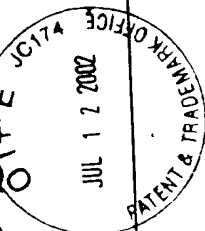
Re: U.S. Utility Patent Application
Appl. No. 09/458,299; Filed: December 10, 1999
For: **Inducing Cellular Immune Responses to HER2/neu Using Peptide
And Nucleic Acid Compositions**
Inventors: FIKES *et al.*
Our Ref: 2060.0140000/EKS/HCC
Art Unit: 1644

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Change of Correspondence Address;
4. A copy of the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures;
5. Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.825(a);
6. Substitute page 99 of the specification;
7. A computer readable copy of the sequence listing;
8. 955 pages of a paper copy of a sequence listing;

DISK TO STIC



DATE:

Commissioner for Patents
July 12, 2002
Page 2

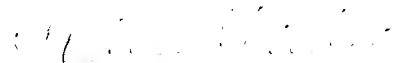
9. Our check no. 35840 for \$400.00 to cover the two month extension of time fee;
and
10. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

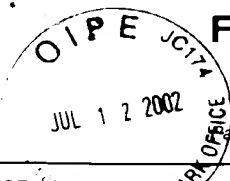
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson
Agent for Applicants
Registration No. 47,473

EKS/HCC/eaf
Enclosures
SKGE_DC1:33829.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <h2 style="margin: 0;">FEE TRANSMITTAL for FY 2002</h2> <p style="font-size: small;">Patent fees are subject to annual revision.</p>		Complete if Known	
TOTAL AMOUNT OF PAYMENT		(\$400.00)	
Application Number		09/458,299	
Filing Date		December 10, 1999	
First Named Inventor		FIKES et al.	
Examiner Name		Schwadron, R.B.	
Group Art Unit		1644	
Attorney Docket No.		2060.0140000/EKS/HCC	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																						
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Deposit Account Number</td> <td>19-0036</td> </tr> <tr> <td>Deposit Account Name</td> <td>Sterne, Kessler, Goldstein & Fox P.L.L.C.</td> </tr> </table> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other*</p> <p><small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036</small></p>	Deposit Account Number	19-0036	Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large</th> <th>Entity</th> <th>Small</th> <th>Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td>\$400.00</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>141</td> <td>1,280</td> <td>241</td> <td>640</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>142</td> <td>1,280</td> <td>242</td> <td>640</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>143</td> <td>460</td> <td>243</td> <td>230</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>144</td> <td>620</td> <td>244</td> <td>310</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>123</td> <td>130</td> <td>123</td> <td>130</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>581</td> <td>40</td> <td>481</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>146</td> <td>740</td> <td>246</td> <td>370</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>149</td> <td>740</td> <td>249</td> <td>370</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>179</td> <td>740</td> <td>279</td> <td>370</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table> <p>Other fee (specify):</p>	Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid					105	130	205	65	Surcharge - late filing fee or oath						127	50	227	25	Surcharge - late provisional filing fee or cover						139	130	139	130	Non-English specification						147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination						112	920*	112	920*	Requesting publication of SIR prior to Examiner action						113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action						115	110	215	55	Extension for reply within first month						116	400	216	200	Extension for reply within second month	\$400.00					117	920	217	460	Extension for reply within third month						118	1,440	218	720	Extension for reply within fourth month						128	1,960	228	980	Extension for reply within fifth month						119	320	219	160	Notice of Appeal						120	320	220	160	Filing a brief in support of an appeal						121	280	221	140	Request for oral hearing						138	1,510	138	1,510	Petition to institute a public use proceeding						140	110	240	55	Petition to revive - unavoidable						141	1,280	241	640	Petition to revive - unintentional						142	1,280	242	640	Utility issue fee (or reissue)						143	460	243	230	Design issue fee						144	620	244	310	Plant issue fee						122	130	122	130	Petitions to the Commissioner						123	130	123	130	Petitions related to provisional applications						126	180	126	180	Submission of Information Disclosure Stmt						581	40	481	40	Recording each patent assignment per property (times number of properties)						146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))						149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))						179	740	279	370	Request for Continued Examination (RCE)						169	900	169	900	Request for expedited examination of a design application	
Deposit Account Number	19-0036																																																																																																																																																																																																																																																																																																						
Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.																																																																																																																																																																																																																																																																																																						
Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																														
				105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																																																																																															
				127	50	227	25	Surcharge - late provisional filing fee or cover																																																																																																																																																																																																																																																																																															
				139	130	139	130	Non-English specification																																																																																																																																																																																																																																																																																															
				147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																																																																																																															
				112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																																															
				113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																																															
				115	110	215	55	Extension for reply within first month																																																																																																																																																																																																																																																																																															
				116	400	216	200	Extension for reply within second month	\$400.00																																																																																																																																																																																																																																																																																														
				117	920	217	460	Extension for reply within third month																																																																																																																																																																																																																																																																																															
				118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																																																																																																																															
				128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																																																																																																																															
				119	320	219	160	Notice of Appeal																																																																																																																																																																																																																																																																																															
				120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																															
				121	280	221	140	Request for oral hearing																																																																																																																																																																																																																																																																																															
				138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																															
				140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																															
				141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																																																																																																																																															
				142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																															
				143	460	243	230	Design issue fee																																																																																																																																																																																																																																																																																															
				144	620	244	310	Plant issue fee																																																																																																																																																																																																																																																																																															
				122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																															
				123	130	123	130	Petitions related to provisional applications																																																																																																																																																																																																																																																																																															
				126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																															
				581	40	481	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																															
				146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																																																															
				149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																															
				179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																															
				169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																															

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Theodore C. Carlson	Registration No.	47,473	Telephone	202-371-2600
Signature				Date	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.